

EXHIBIT F

Brenner, Wendy

From: Anna Levine [alevine@dralegal.org]
Sent: Monday, June 14, 2010 10:31 AM
To: Brenner, Wendy
Subject: RE: Enyart Preliminary Injunction Proposed Order
Attachments: 057-0_P_Letter_PI_Agreement.pdf; 057-1_P_PO_PI_Agreement.pdf

Hi Wendy,

Your two further changes are fine.

Last time, our folks submitted the attached proposed order and cover letter, and also provided the court a chambers copy per the local rule. We can take care of it, again. One change to the cover letter would be that at the time we prepared the prior proposed order, I think there was some ambiguity as to the scope of the bond, which the cover letter addressed. Also, I assume that the language in the second paragraph of the cover letter about non-acquiescence/preserving the right to appeal was at NCBE's request, and leave up to you whether NCBE wishes to include it in this cover letter.

Let me know, and I'll get the documents you sent formatted as a proposed order.

Thanks,

Anna

Anna Levine, Staff Attorney
Disability Rights Advocates
2001 Center Street, Third Floor
Berkeley, California 94704-1204

510 665 8644 (Tel)
510 665 8716 (TTY)
510 665 8511 (Fax)

STATEMENT OF CONFIDENTIALITY

The contents of this e-mail message and any attachments are confidential and are intended solely for the addressee. This information may also be legally privileged. This transmission is sent in trust, for the sole purpose of delivery to the intended recipient. If you have received this transmission in error, any use, reproduction or dissemination of this transmission is strictly prohibited. If you are not the intended recipient, please immediately notify the sender by reply e-mail or at (510) 665-8644 or (510) 665-8716 (TTY) and delete the message and its attachments, if any.

-----Original Message-----

From: Brenner, Wendy [mailto:BRENNERWJ@cooley.com]
Sent: Monday, June 14, 2010 10:01 AM
To: Anna Levine
Subject: RE: Enyart Preliminary Injunction Proposed Order

Hi Anna – Thanks for your mark up. Your changes were generally fine – I made two minor changes, which I suspect will not be problematic. I am happy to discuss them if you have questions.

Clean, revised draft + redline attached.

Remind me...what did we do last time? Did you guys submit the proposed order to the Court with a cover letter?

Wendy Brenner
Cooley LLP
3175 Hanover Street
Palo Alto, CA 94304-1130
Direct: (650) 843-5371 • Fax: (650) 849-7400

From: Anna Levine [mailto:alevine@dralegal.org]
Sent: Thursday, June 10, 2010 1:47 PM
To: Brenner, Wendy
Subject: RE: Enyart Preliminary Injunction Proposed Order

I wanted to add one further item that I believe we should include: language regarding the supplemental bond. I have numbered the attached draft and added the following:

Plaintiff shall post an additional bond in the amount of \$5,000 to be filed with the Clerk of the Court by _____, 2010, and deposited into the registry of the Court.

Anna Levine, Staff Attorney
Disability Rights Advocates
2001 Center Street, Third Floor
Berkeley, California 94704-1204

510 665 8644 (Tel)
510 665 8716 (TTY)
510 665 8511 (Fax)

STATEMENT OF CONFIDENTIALITY

The contents of this e-mail message and any attachments are confidential and are intended solely for the addressee. This information may also be legally privileged. This transmission is sent in trust, for the sole purpose of delivery to the intended recipient. If you have received this transmission in error, any use, reproduction or dissemination of this transmission is strictly prohibited. If you are not the intended recipient, please immediately notify the sender by reply e-mail or at (510) 665-8644 or (510) 665-8716 (TTY) and delete the message and its attachments, if any.

-----Original Message-----

From: Anna Levine
Sent: Thursday, June 10, 2010 1:38 PM
To: 'Brenner, Wendy'
Subject: Enyart Preliminary Injunction Proposed Order

Dear Wendy,

Attached are my proposed revisions to the preliminary injunction order that you previously circulated. I made a few changes to add provisions from the June 4, 2010 minute order of the court, and to better correspond the MPRE and MBE sections.

Let me know if you have any questions. I need to leave at 3pm today, but am available by telephone before that time, as well as all day tomorrow.

Thanks,

Anna

Anna Levine, Staff Attorney
Disability Rights Advocates
2001 Center Street, Third Floor
Berkeley, California 94704-1204

510 665 8644 (Tel)
510 665 8716 (TTY)
510 665 8511 (Fax)

STATEMENT OF CONFIDENTIALITY

The contents of this e-mail message and any attachments are confidential and are intended solely for the addressee. This information may also be legally privileged. This transmission is sent in trust, for the sole purpose of delivery to the intended recipient. If you have received this transmission in error, any use, reproduction or dissemination of this transmission is strictly prohibited. If you are not the intended recipient, please immediately notify the sender by reply e-mail or at (510) 665-8644 or (510) 665-8716 (TTY) and delete the message and its attachments, if any.

This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. If you are the intended recipient, please be advised that the content of this message is subject to access, review and disclosure by the sender's Email System Administrator.

IRS Circular 230 disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachment) is not intended or written by us to be used, and cannot be used, (i) by any taxpayer for the purpose of avoiding tax penalties under the Internal Revenue Code or (ii) for promoting, marketing or recommending to another party any transaction or matter addressed herein.

1 LAURENCE W. PARADIS (CA Bar No. 122336)

lparadis@dralegal.org

2 ANNA LEVINE (CA Bar No. 227881)

alevine@dralegal.org

3 KARLA GILBRIDE (CA BAR NO. 264118)

kgilbride@dralegal.org

4 DISABILITY RIGHTS ADVOCATES

2001 Center Street, Third Floor

5 Berkeley, CA 94704

Telephone: (510) 665-8644

6 Facsimile: (510) 665-8511

7 TTY: (510) 665-8716

8 SCOTT C. LABARRE (admitted pro hac vice)

9 LABARRE LAW OFFICES, P.C.

10 1660 S. Albion Street, Ste 918

Denver, CO. 80222

Telephone: (303) 504-5979

Fax: (303) 757-3640

slabarre@labarrelaw.com

11 DANIEL F. GOLDSTEIN (admitted pro hac vice)

dfq@browngold.com

12 MEHGAN SIDHU (admitted pro hac vice)

ms@browngold.com

13 BROWN, GOLDSTEIN & LEVY, LLP

14 120 E. Baltimore St., Suite 1700

Baltimore, MD 21202

15 Telephone: (410) 962-1030

Fax: (410) 385-0869

17 Attorneys for Plaintiffs

18

19

UNITED STATES DISTRICT COURT

20

NORTHERN DISTRICT OF CALIFORNIA

21

22

23

24

25

26

27

28

1 STEPHANIE ENYART

2 Plaintiff,

3 v.

4 NATIONAL CONFERENCE OF BAR
5 EXAMINERS, INC., ACT, INC., AND
6 THE STATE BAR OF CALIFORNIA,

7 Defendants.

Case NO. C09-05191 CRB

**[PROPOSED] ORDER
FOR PRELIMINARY INJUNCTION**

Judge: Hon. Charles R. Breyer

Action Filed: January 15, 2010

8

9 1. NCBE shall provide Ms. Enyart with the following accommodations on the March
10 2010 administration of the MPRE:

- 11 (a) Double the standard time
12 (b) A private room
13 (c) One five minute break every hour
14 (d) A scribe to fill in the answers and
15 (e) The exam loaded onto a laptop computer equipped with JAWS and
ZoomText software

16 Within two business days of this Order, NCBE shall request ACT to provide Ms.
17 Enyart with sufficient time before the commencement of the test to attach the
18 peripherals and customize the JAWS and ZoomText settings and NCBE shall advise
19 the plaintiff of ACT's response or any lack thereof within five business days thereafter.

20 Additionally, NCBE shall permit Ms. Enyart to use all of the following during the
21 examination as accommodations, all of which shall be brought to the examination by

22 Ms. Enyart:

- 23 (f) An ergonomic keyboard
24 (g) A trackball mouse
25 (h) A large monitor
26 (i) Her own lamp to control lighting conditions
27 (j) Sunglasses
28 (k) A yoga mat
29 (l) Large print digital clock
30 (m) Migraine medication

1 The ergonomic keyboard, trackball mouse, and monitor shall be devoid of any storage
2 devices or storage mechanisms and NCBE does not guarantee the interoperability of
3 such devices with the computer it provides. The examination shall be administered by
4 ACT with the above accommodations pursuant to the Stipulation Re: Voluntary
5 Dismissal Without Prejudice of Defendant ACT, Inc. filed with the Court on November
6 25, 2009.
7

8 2. With respect to the February 2010 administration of the California Bar exam,
9 NCBE shall provide the State Bar of California, Committee of Bar Examiners with the
10 MBE loaded onto a laptop computer equipped with JAWS and ZoomText software.
11 Decisions with respect to the administration of the examination shall rest with the State
12 Bar of California, Committee of Bar Examiners. However, in the Stipulation Regarding
13 Dismissal Without Prejudice of Defendant State Bar of California and Order Thereon in
14 this Action, the State Bar of California agreed to furnish the accommodations requested
15 by Ms. Enyart on the MBE portion of the February 2010 California bar examination if the
16 Court in this action determined that such accommodations were required.
17

18 IT IS HEREBY ORDERED.
19

20 Dated _____, 2010
21

22 Charles R. Breyer
23 United States District Court Judge
24
25
26
27
28

Daniel F. Goldstein
dfg@browngold.com

February 3, 2010

Hon. Charles R. Breyer
Judge, United States District Court
for the Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

Re: Enyart v. Nat'l Conference of Bar Examiners
C09-05191 CRB

Dear Judge Breyer:

Attached please find proposed language for the portion of the preliminary injunction order that addresses the logistics with respect to the furnishing of the accommodations sought by Ms. Enyart. The parties have agreed on this proposed language. We are copying Magistrate Judge Chen so that he will know the parties were able to agree on this portion of the order without assistance. We assume that the portion of the order directing the Plaintiff to post bond will be addressed by the Court, but the plaintiff has begun to make the arrangements to have a check available to post to the registry of the court.

Although, at the Court's direction and pursuant to the Court's January 29, 2010 Minute Order, counsel for NCBE has met and conferred with Counsel for Ms. Enyart as to the specific terms of the injunction, NCBE does not agree to, consent to, or otherwise acquiesce in the issuance or entry of the preliminary injunction. Thus, this letter is without prejudice to any rights that the NCBE may have to appeal or otherwise challenge the Court's ruling on Ms. Enyart's motion for preliminary injunction and NCBE reserves all such rights.

Thank you for your attention to this matter.

Very truly yours,

/s/
Daniel F. Goldstein

DFG/tt
Enclosure

cc: Magistrate Judge Edward M. Chen (w/ enclosure)
Gregory C. Tenhoff, Esquire (w/ enclosure)